

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Judge Thomas J. Tucker

**CERTIFICATION OF NO RESPONSE OR OBJECTION
REGARDING CITY OF DETROIT’S OBJECTION TO
CLAIM NUMBER 1323 FILED BY DERRICK PHILLIPS**

On November 8, 2019, the City Of Detroit (“City”) filed the *City of Detroit’s Objection to Claim Number 1323 Filed by Derrick Phillips* [Doc. No. 13166] (“Objection”). The Objection was served by the City upon counsel for Derrick Phillips and all registered ECF participants in this case. *See Certificate of Service* Exhibit A.

No responses to the Objection have been filed with the Court and the time to do so has passed. The City respectfully requests that the Court enter an order sustaining the Objection, in substantially the same form as the one which was attached to the Objection. *See Proposed Order* Exhibit B.

Respectfully submitted,

By: /s/ Marc N. Swanson

Jonathan S. Green (P33140)

Marc N. Swanson (P71149)

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

Telephone: (313) 496-7591

Facsimile: (313) 496-8451

green@millercanfield.com

swansonm@millercanfield.com

and

Charles N. Raimi (P29746)

Deputy Corporation Counsel

City of Detroit Law Department

2 Woodward Avenue, Suite 500

Coleman A. Young Municipal Center

Detroit, Michigan 48226

Telephone: (313) 237-5037

Facsimile: (313) 224-5505

raimic@detroitmi.gov

Attorneys for the City of Detroit

DATED: December 12, 2019

Exhibit A

EXHIBIT 3: CERTIFICATE OF SERVICE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 8, 2019, he electronically filed the foregoing *City of Detroit's Objection to Claim Number 1323 Filed by Derrick Phillips* ("Objection") with the Clerk of the Court which will provide notice of the filing to all ECF participants registered in this case. A copy of the Objection was also served upon the following, via first class mail, on the same date:

Bernstein & Bernstein
18831 W. 12 Mile Rd.
Lathrup Village, MI 48076
Attn: Thomas B. Calcaterra

By: /s/ Marc N. Swanson

Marc N. Swanson
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

Dated: November 8, 2019

Exhibit B

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER SUSTAINING CITY OF DETROIT’S OBJECTION TO CLAIM
NUMBER 1323 FILED BY DERRICK PHILLIPS**

Upon review of the *City of Detroit’s Objection to Claim Number 1323 Filed by Derrick Phillips* (“Objection”),¹ seeking entry of an order disallowing and expunging claim number 1323; and it appearing that this Court has jurisdiction over the Objection under 28 U.S.C. §§ 157 and 1334 and Article VII of the Plan; and the Court finding that this is a core proceeding under 28 U.S.C. § 157(b)(2); and the Court finding that venue of this proceeding and the Objection in this District is proper under 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Objection is in the best interests of the City and its creditors; and due and proper notice of the Objection having been given as provided in the Objection; and it appearing that no other or further notice of the Objection need be given; and any objections or other responses to the Objection having been overruled or withdrawn; and the Court finding that the legal and factual bases set

¹ Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Objection.

forth in the Objection and at the hearing establish just cause for the relief granted;
and after due deliberation and good and sufficient cause appearing therefore;

IT IS ORDERED that:

1. The Objection is sustained.
2. Claim number 1323 filed by Derrick Phillips is disallowed and expunged in its entirety under Section 502(b) of the Bankruptcy Code.
3. The City's claims agent is authorized to update the claims register to reflect the relief granted in this Order.
4. The City is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.
5. Notice of the Objection as provided therein is good and sufficient notice of such objection, and the requirements of Bankruptcy Rule 3007(a) and the local rules of the Court are satisfied by such notice.